



STATE OF NEW JERSEY

In the Matter of Kevin M. Boyle
Supervisor Public Works (PM2204B),
Pennsauken Township

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2021-1125

Examination Appeal

ISSUED: MAY 24, 2021 (RAM)

Kevin M. Boyle,¹ appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Supervisor Public Works (PM2204B), Pennsauken Township.

By way of background, the announcement for the subject examination was issued on February 1, 2020 and was open to employees in the competitive division who were currently serving as an Assistant Supervisor Public Works and had an aggregate of one year of continuous permanent service as of the February 21, 2020 closing date *or* to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and possessed four years of experience in construction, maintenance, and/or repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction work as of the February 21, 2020 closing date. It is noted that two applicants were found eligible and the resulting eligible list promulgated on February 4, 2021 and expires on February 3, 2024.² A certification (PL210093) was issued on February 8, 2021. In disposing of the certification, the appointing authority indicated that, since the certification had only two eligibles and therefore was incomplete, no appointments would be made and it would be retaining the appellant as the provisional employee.

¹ Agency records indicate that the appellant was appointed provisionally pending promotional examination procedures effective May 6, 2019.

² It is noted that the subject examination was administered as an unassembled examination and all eligible candidates received the same score.

It is further noted that another applicant was found ineligible for the subject examination and filed an appeal. Upon that appellant's appeal, he was added to the subject eligible list on March 30, 2021 based on clarifying information. On May 3, 2021, a second certification (PL210391) was issued consisting of the three eligible candidates and is pending. The certification's disposition due date is August 3, 2021. The eligibles are tied in the first rank.

On his application, the appellant listed his work experience as a provisional Supervisor Public Works from May 2019 to February 2020, an Equipment Operator from January 2017 to May 2019, a Truck Driver from January 2013 to January 2017, and a Laborer from December 2010 to January 2013. Upon its review, Agency Services credited the appellant with 10 months of experience he gained provisionally in the subject title and two years and four months of experience as an Equipment Operator. However, the appellant's prior work experience was found inapplicable as the primary focus of his position as a Truck Driver was driving and transporting equipment. Moreover, as a Truck Driver and Laborer 1, the appellant did not list relevant experience. Therefore, it was determined that he lacked 10 months of full-time applicable experience prior to the closing date.

On appeal to the Civil Service Commission (Commission), the appellant indicates that he has been employed with Pennsauken Township since 2010. In his appeal letter, he reiterates his prior experience as an Equipment Operator, a Truck Driver, and a Laborer. Therefore, in addition to his provisional service as a Supervisor Public Works, the appellant contends that he exceeds the required four years of experience. In support of his appeal, the appellant presents a letter from the Department Head and the Public Works Superintendent, confirming that "the details [the appellant] has provided in his appeal letter are factual, based upon our collective past and present supervision of Mr. Boyle."

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because he did not meet the experience requirement as of the February 21, 2020 closing date. A review of agency records indicates that the appellant was appointed provisionally to the Supervisor Public Works title effective May 6, 2019. As a result, Agency Services credited him with 10 months of experience he gained provisionally in the title and two years and four months of experience as an Equipment Operator. The appellant did not receive credit for any other work experience listed on his application, as it was deemed

inapplicable. However, the subject certification was incomplete with less than three eligibles, and the appellant continues to serve provisionally in the subject title. The Commission finds that, for examination eligibility purposes, the appellant has been performing the duties of the title under test since May 2019. Thus, he now possesses enough applicable experience based on this service. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the appellant's provisional experience after the closing date for examination eligibility and scoring purposes and add him to the subject eligible list. Moreover, since the initial certification was incomplete, it is equitable to add the appellant's name to the May 3, 2021 certification (PL210391) along with the other admitted appellant.

ORDER

Therefore, it is ordered that the appeal be granted, and Kevin M. Boyle's name be added to the May 3, 2021 certification (PL210391) of the Supervisor Public Works (PM2204B), Pennsauken Township, eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Kevin M. Boyle
Joseph V. Palumbo, Sr.
Division of Agency Services
Records Center